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BEYOND NEGOTIATIONS.

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A THIRD OF ALL AMERICAN TEACHING EMPLOYEES IN THE FIELD OF EDUCATION ARE COVERED BY SOME FORM OF COLLECTIVE BARGAINING, A SITUATION IN MANY RESPECTS PARALLEL TO THAT FOUND AMONG WORKERS IN THE PRIVATE INDUSTRIAL SECTOR. TEACHER CONTRACTS ARE DISTINGUISHED BY LESS RELIANCE ON SENIORITY, FEWER EMPLOYER PENALTIES, AND FEWER FRINGE BENEFITS, PRIMARILY BECAUSE TEACHER BARGAINING IS STILL IN ITS INFANCY. TEACHER BARGAINING MOVES BEYOND INDUSTRIAL COLLECTIVE BARGAINING TO THE EXTENT THAT TEACHERS REGARD THEMSELVES AS PROFESSIONALS, BARGAINING NOT ONLY ON CONDITIONS OF WORK BUT ON MATTERS OF EDUCATIONAL POLICY, INCLUDING CURRICULUM DETERMINATION, TEXTBOOK SELECTION, TEACHING HOURS, AND SPECIAL EDUCATIONAL PROGRAMS. THE NEW YORK CITY MORE EFFECTIVE SCHOOLS PLAN IS AN ILLUSTRATION OF TEACHER BARGAINING GAINS FOR BOTH SCHOOLS AND CHILDREN. THE TEACHERS' UNION PROPOSED USING CITY BONUS FUNDS TO ESTABLISH SPECIFIED CONDITIONS (SMALLER CLASSES, TEACHER "FREE" TIME, AND SATURATION REMEDIAL AND PSYCHOLOGICAL SERVICES). IN THREE YEARS OF OPERATION THE PLAN HAS ACHIEVED REMARKABLE RESULTS. TEACHERS' UNIONS HAVE A UNIQUE ROLE IN PROVIDING A NEW DYNAMISM IN EDUCATION, OFFERING SOLUTIONS WITHOUT PRIOR COMMITMENT TO VESTED INTERESTS OR TO ESTABLISHED, OUTMODED, OR INADEQUATE PROGRAMS. THIS ADDRESS WAS PRESENTED AT THE PACIFIC NORTHWEST ASSEMBLY CO-SPONSORED BY THE UNIVERSITY OF OREGON AND THE AMERICAN ASSEMBLY OF COLUMBIA UNIVERSITY (UNIVERSITY OF OREGON, EUGENE, JULY 20-23, 1967) AND APPEARS IN "CHALLENGES TO COLLECTIVE BARGAINING," A REPORT OF THAT ASSEMBLY. (JK)

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Challenges to Collective Bargaining

A report of the Pacific Northwest Assembly at the University of Oregon, July 20-23, 1967

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Beyond Negotiations

by David Selden, Assistant to the President, American Federation of Teachers

Collective bargaining for teachers is here to stay. In the years since the dramatic breakthrough to bargaining achieved by New York City teachers in 1961, more than 135,000 elementary, secondary and college teachers have been covered by comprehensive collective work agreements negotiated by the American Federation of Teachers alone. In addition, perhaps 100,000 teachers have been covered by bona fide contracts negotiated by non-union organizations, while another 100,000 to 300,000 teachers have been included under exclusive recognition agreements which, while not collective bargaining contracts in the real sense, still go much farther toward bargaining than anyone would have thought possible a decade or so ago.

All in all, perhaps a third of the teaching employees of the education industry are now covered by some form of bargaining. This is about the same proportion as the proportion of the private sector work force under collective bargaining agreements. There are some industries in the United States which are almost totally organized, of course, and there are some which are almost totally unorganized, but even allowing for this spottiness, teachers have suddenly become as insistent on their on-the-job rights as other employees.

A rather genteel but nevertheless earnest revolution has developed. The revolution began in those areas not firmly subjugated by the massive association establishment—the big cities—but once the revolution began, it rapidly spread throughout the land. It is still going on, and it is even changing the nature of non-union teacher organizations so that they, too, have entered the collective bargaining field.

Interestingly enough, the form of teacher bargaining which is emerging is very little different from the classic plant-by-plant form developed in the private sector by the industrial unions. This is surprising when one considers that teaching, if it is not yet a true procession, is certainly a skilled craft. The craft bargaining technique is based on achieving a monopoly of the members of a skilled trade—such as plumbers, carpenters, doctors, lawyers, or musicians—and setting wage and other standards under which the members of the craft offer their services.

The National Education Association and its satellite state associations included more than two-thirds of the nation's educational craftsmen for nearly half a century, but the associations restricted their activities to research, public relations, and legislation. By and large they did a good job within this limited framework of operation, but it was not bargaining in any sense. There was never any wide-spread confrontation between those who work in education and those who determine working conditions and rates of pay.

A good teacher collective bargaining contract, whether negotiated by the American Federation of Teachers or by a non-union group, looks a lot like the average contract between production workers and management in, say, a company making coffee containers, such as Continental Can. Wage rates, hours, and fringe benefits are specified, and there is a grievance procedure to settle disputes between workers and management during the life of the contract.

The obvious differences between an industrial collective bargaining contract and a teacher collective bargaining contract, are that teacher contracts, (1) place less reliance on seniority, (2) contain fewer employer penalties, particularly for required overtime, and (3) specify fewer fringe benefits for teachers. To some extent the lack of seniority recognition, time-and-a-half and double time penalties, and fringe benefits is due to the extensive benefits provided for teachers by legislation. To a greater degree, the lack of these standard industrial contract items in teacher contracts is due to the fact that teacher bargaining is still in its infancy. Teachers still have a lot to negotiate if they are to catch up with what unions in private industry

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include automatically in their bargaining packages.

The industrial collective bargaining form is appropriate to the educational enterprise because most school systems are structured and operated like a typical corporation. If a schematic drawing were made of a medium size school district and a medium size industrial corporation, and the labels were taken off, it would be very difficult to determine which was which. The school board fits neatly into the spot reserved for the board of directors. The executive vice president or general manager fits neatly into the spot reserved for the superintendent. Public relations, personnel, product development, and other department heads have their counterparts in the school structure. Working below these top managerial employees is a layer of middle management personnel, and below this is a large undifferentiated mass of production workers—we call them teachers.

The schematics look the same. But the role concepts of teachers are a great deal different from the role concepts of the production worker, and it is here that teacher bargaining begins to move beyond the normal industrial collective bargaining spectrum. Teachers have been led to think of themselves as professionals. The essence of professionalism is that the professional is required to use his judgment in the performance of his work. Thus, teacher bargaining deals with educational policy as well as conditions of work.

In private industry, the function and authority of management is taken for granted, by and large. Industrial employees do not expect to determine product design, production methods, or even production schedules, so long as these management decisions do not result in hardship to them. These judgments are the prerogatives of management. This is not the case with teachers. Teachers, in their bargaining, attach a great deal of importance to control of curriculum, selection of textbooks, setting maximum class sizes and maximum daily, weekly, and yearly teaching hours, assignment of teachers to class programs, delineating authority over students, introducing special educational programs and a host of other matters which traditionally have been left to the discretion of superintendents, principals, and school boards.

The National Association of School Boards and the American Association of School Administrators view with horror the new, open-end approach to collective bargaining being followed by teachers. Both these organizations have grudgingly conceded that teachers may have a right to band together to bargain over salaries and conditions of work—so long as teachers do not strike when their demands are not met—but they staunchly refuse to countenance teacher intrusion into the traditional policy-making area. It is difficult to imagine either the NASB or the AASA taking any other attitude, even though the demand of teachers to be involved in policy decisions will inevitably enhance teacher professionalism and make far greater demands on teacher time, thought, and energy. Those with power never give it up willingly.

From a public policy standpoint it is fortunate that the drive for professionalism by teachers has proceeded via the industrial collective bargaining route, rather than along the traditional lines followed by the other learned professions. The schools are our most pervasive and cohesive social institution. Schools exist to serve society in a direct, deliberate, and immediate sense, in contrast to medical services for instance, which are so diffuse, so varied in purpose and practice, and so dependent upon individual consumer decisions that we cannot talk about medicine as an institution in the way that we talk about "the schools." Because the schools do have this relatively clearcut purpose they must be responsive to the needs of society, and teachers occupy a central position in the enterprise.

Teachers exist for the schools, not vice versa. Had teachers succeeded in setting themselves up as a profession the way the doctors did they would increasingly find themselves at odds with society, reacting instead of leading. Through collective bargaining teachers are coming to confront the fundamental problems of the schools. While protecting their interests as wage earners and workers, they are also accepting responsibility for the success of the school enterprise.

Thus, through the device of collective bargaining a new dynamism has been introduced into the traditional modus operandi of the schools. Teacher bargaining has had a liberating effect and has set in motion creative forces which carry teachers beyond negotiations. The schools and the children will be the greatest gainers.

A good example of this process is the *More Effective Schools Plan* in New York City. For many years the New York City Board of Education tried to improve slum education by forcing teachers to teach in the ghetto schools. Every attempt at forced staffing failed, and finally the Board proposed offering teachers a bonus for staying in the "difficult" schools. The union reacted strongly against the bonus proposal on the grounds that teachers should not be bribed to teach under conditions which effectively prohibited teaching success. Instead, the union came up with a plan to use the proposed bonus funds to establish conditions making it possible for a teacher to achieve success in a slum school.

Both the Board and the Superintendent were opposed to the Effective Schools plan, primarily because the plan was costly. Per pupil expenditures must be almost doubled in order to achieve the small classes, teacher

"free" time, and saturation remedial and psychological services which are essential. It took the union two years to get the plan adopted, but in the three years the plan has been in operation it has achieved remarkable results.

Now this is the sort of thing which goes beyond collective bargaining. Yet without the teacher power developed through the bargaining process the *More Effective Schools* would not be in existence. As a matter of fact, without the union's power the plan would probably be emasculated or discontinued altogether, even now.

The new dynamism in education is badly needed. In fact, we already may have missed the boat. It is apparent that we are entering a deepening educational crisis. The schools are caught up in the accelerating social disintegration spewing out from our big city and rural slums. Yet we would not know it from anything the old line educational leaders say. Instead, our national education strategy is coming from outside the traditional educational establishment: from the Carnegie and Ford Foundations and their collaborators in the United States Office of Education and a few selected universities. The new establishment is bringing a sense of urgency to education which the old establishment has failed to generate.

To cite two examples from the recent convention of the National Education Association, the NEA came out against the current national assessment of education effort and against extension of the present method of distributing funds under Title I of the Elementary and Secondary Schools Act. The association "justified" both these actions by raising the shibboleth of "local control." Yet both these actions are contrary to the national interest, the localities, and more particularly the children.

Use of the term categorical aid to describe present distribution of Title I funds is really a misnomer. In actuality, the poverty formula of distribution is a device for concentrating the money where the problems are. These funds are not intended and do not underwrite a a predetermined identifiable category of education. The broadest possible latitude is allowed in the nature of the programs supported. As a matter of fact, the emphasis thus far has been on "innovation," and approval of Title I grants by the U. S. Office of Education is automatic once the district has been certified as in compliance with the Civil Rights provisions. If future federal aid is given to the states to use as they see fit there is no guarantee that the quality of education will be improved at all.

Rather than criticize the present federal aid formula on the basis of being an invasion of local control, teachers should criticize the Act from two standpoints: first, the funds provided are only a drop in the bucket compared to what is needed; and second, the standards for the educational programs which can be funded are entirely too loose.

Joseph Alsop, in the *New Republic* of July 22nd, points out that the "Coleman Report" stresses that the greatest improvement in American education would be to bring about a better mix of pupils on a socio-racial basis. But because of segregated housing patterns which often cross school district and state lines, it will be a long time before such an effective mix can be achieved. In the meantime, we must rely on the other determinants of quality education: well-qualified teachers, small classes, adequate remedial and guidance facilities, and abundant instructional materials—and that takes money. Furthermore, the money must be spent wisely —hence, the need for national educational assessment and nationwide minimum standards for class sizes, instructional materials, teacher certification and other known educational quality determinants.

The significance of the teacher collective bargaining movement does not lie in the specifics of collective bargaining contracts or the likelihood of more teacher work stoppages. These details of the movement are important and necessary, but what is really important is what lies beyond the thousands of bargaining tables. Educational problems are still growing faster than the solutions.

The old establishment—those with an over-riding vested interest in the status quo—cannot be relied upon to give us the leadership and force to rescue our schools. Neither can the bright young grant-winners and foundation executives give us that leadership and force because they, too, have their vested interests.

Although teachers still lack the involvement, the experience, and the organization to take over the struggle, we have come far and we are still on our way. That fact that teachers *must* educate the children who come to them, rather than manage bureaucracies and write learned papers and give speeches is a powerful incentive which appeals to the most enlightened self-interest.

Teachers are demanding and will win a dominant voice in the determination of educational policy. A new equilibrium among teachers, administrators, school board members, researchers, colleges, and even politicians will emerge.

The amount of ignorance in the world is as infinite as the world itself. Education cannot be a static apparatus for coping with yesterday's needs. Let us face up to our full responsibility. The schools are still our most viable social institution. Through a united effort by all those who see the schools as the means to a better society we can begin to move ahead again.